

**AGREEMENT BETWEEN THE CITY OF STOCKTON AND MCD NORTH STOCKTON AND WOODSIDE TERESI, AND WATERLOO MORADA FIRE PROTECTION DISTRICT REGARDING ANNEXATION OF PROPERTY FROM THE DISTRICT TO THE CITY OF STOCKTON.**

This Agreement is made and entered into this \_\_\_\_ day of \_\_\_\_\_ 2018, by and between the City of Stockton, a municipal corporation (“City”), and MCD North Stockton, LLC, a California limited liability company (“MCD”) and Woodside Teresi, LLC, a California limited liability company (“Woodside”) and the Waterloo Morada Fire Protection District (“District”).

**WITNESSETH**

WHEREAS, MCD desires to annex their property known as Tra Vigne West into the City and Woodside desires to annex their property known as Tra Vigne East into the City. The assessor’s parcel numbers for the annexed property owned or controlled by MCD is 120-020-01, 120-020-02, 120-020-03, 120-020-17, 120-020-18, 120-020-19, 120-020-20, 120-020-22 and 120-020-23 and the annexed property owned or controlled by Woodside is 120-20-15 and the Assessor’s parcel numbers for the annexed property owned by non-signatory parties is APN 120-020-13, 120-020-14, 122-010-02 and 122-010-04 (all collectively referred to as the “Property”). The legal descriptions for the Property are attached hereto as Exhibit “A” and incorporated herein by this reference; and

WHEREAS, upon annexation, a detachment of the Property from the District that serves the Property occurs because the City will provide fire services once the Property is annexed; and

WHEREAS, upon annexation, the District will lose their share of the property tax previously allocated to them; and

WHEREAS, MCD and Woodside and the District desire to resolve the transition of lost revenue(s) to the District and comply with the existing policy of the Local Agency Formation Commission.

NOW THEREFORE, it is mutually agreed by and between the City, MCD, Woodside and District as follows:

1. Upon annexation of the Property to the City and the detachment of the Property from the District, MCD shall pay to the District the amount of \$94,367.32, and Woodside shall pay to the District the amount of \$18,365.95, as and for an unconditional release and waiver from any additional obligation(s).
2. The provisions of the Agreement shall inure to the benefit of and bind the heirs, successors and assigns of the respective parties to this Agreement.
3. The parties intend that this Agreement and the covenants created herein shall constitute covenants running with the land, as defined in California Civil Code Section 1462, so as to bind and benefit the successors, heirs and assigns of the parties.

4. It is understood and agreed by and between the parties hereto that this Agreement shall be deemed and construed to be entered into and to be performed in the County of San Joaquin, State of California, and it is further understood and agreed by and between the parties hereto that the laws of the State of California shall govern the rights, obligations, duties and liabilities of the parties to the Agreement and also govern the interpretation of this Agreement.
5. Should any legal action be brought by a party for breach of this Agreement or to enforce any provision herein, the prevailing party of such action shall be entitled to reasonable attorneys' fees, court costs and such other costs as may be fixed by the Court in addition to any other remedies.
6. Any notice required by this Agreement shall be in writing and delivered postage prepaid as follows:

## TO MCD:

John Tomasello  
MCD North Stockton, LLC  
18958 Louis Road  
Grass Valley, CA 95945

## TO WOODSIDE:

David Beretta  
Woodside Teresi, LLC  
39560 Stevenson Place, Suite 215  
Fremont, CA 94539

## TO DISTRICT:

Chief Steven Henry  
Waterloo Morada Fire District  
6925 E. Foppiano Lane  
Stockton, CA 95212

## TO CITY:

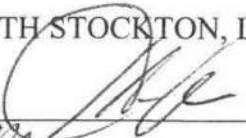
City Clerk  
City of Stockton  
425 N. El Dorado St.  
Stockton, CA 95202

7. This Agreement may be amended in writing by the mutual agreement of all of the parties.
8. In consideration of the covenants, conditions and promises of MCD and Woodside to be performed as set forth in this Agreement, District shall not contest or otherwise oppose the annexation sought by MCD and/or Woodside.

IN WITNESS WHEREOF, the parties have executed the Agreement by their authorized representatives the day and year first above written.


(Signatures follow on next page)

MCD NORTH STOCKTON, LLC:

BY: 

Its: Managing Member

WOODSIDE TERESA, LLC:

BY:  3/21/2018.

Its: Managing Member

WATERLOO MORADA FIRE PROTECTION DISTRICT:

BY: 

Its: ACTING PRES WMFD

CITY OF STOCKTON:

BY: \_\_\_\_\_

Its: \_\_\_\_\_

EXHIBIT "A"  
LEGAL DESCRIPTION  
(Attached)

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A portion of the Northwest Quarter of Section 2, Township 2 North, Range 6 East, Mount Diablo Base and Meridian, more particularly described as follows:

Commencing at the Northwest corner of Section 2; thence South  $74^{\circ}37'03''$  East 157.68 feet to the intersection with the North line of that certain tract of land described in Deed to County of San Joaquin, recorded in Book 203, Page 415 of Official Records of San Joaquin County; said intersection being 40 feet South of (measured at right angles) the North line of said Section 2, and being the true point of beginning; thence South  $89^{\circ}18'45''$  East along said North line of County land, being parallel with said North line of Section 2, distance of 401.76 feet to the most Easterly corner of said County land; thence along the Southeasterly line of said County land, Southwesterly on a curve to the left, radius 475.00 feet (the long chord of which bears South  $59^{\circ}47'45''$  West 487.75 feet), an arc distance of 512.20 feet to the East right of way line of West Lane, as said East right of way line is described in Deed to County of San Joaquin, recorded in Book 2905, Page 191 of Official Records of San Joaquin County; thence along said East right of way line the following two courses; (1) North  $04^{\circ}58'11''$  West 211.52 feet and (2) North  $44^{\circ}00'15''$  East 54.88 feet to the true point of beginning.

APN: 120-020-01

THE LAND REFERRED TO HEREIN IS SITUATED IN THE UNINCORPORATED AREA OF THE COUNTY OF SAN JOAQUIN, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

THE NORTHWEST QUARTER (NW 1/4) OF SECTION TWO (2) NORTH, RANGE SIX (6) EAST, MOUNT DIABLO BASE AND MERIDIAN.

EXCEPT THEREFROM THE SOUTH 40 ACRES, AS DESCRIBED IN DEED TO EARL HENRY SWAIN, ET UX, RECORDED SEPTEMBER 30, 1953 IN VOL. 1565 OF OFFICIAL RECORDS, PAGE 16.

ALSO EXCEPT THEREFROM THE NORTH 40 ACRES OF THE SOUTH 80 ACRES, AS DESCRIBED IN DEED TO ROBERT B. FARNHAM, ET UX, RECORDED SEPTEMBER 30, 1953 IN VOL. 1565 OF OFFICIAL RECORDS, PAGE 23.

ALSO EXCEPT THEREFROM THAT PORTION DESCRIBED IN DEED TO COUNTY OF SAN JOAQUIN, RECORDED JANUARY 7, 1965 IN VOL. 2905 OF OFFICIAL RECORDS, PAGE 191.

EXCEPT THEREFROM THAT PORTION DESCRIBED IN DEED TO EARL HENRY SWAIN, RECORDED OCTOBER 6, 1971, IN VOL. 3585, PAGE 257, OFFICIAL RECORDS.  
ASSESSOR'S PARCEL NUMBER: 120-020-02

The land referred to herein is described as follows:

That certain real property situated in the County of San Joaquin, State of California, described as follows:

The North 40 acres of the South 80 acres of the Northwest quarter (nw 1/4) of Section two (2), Township two (2) North, Range six (6) East, Mount Diablo Base and Meridian.

EXCEPT THEREFROM that portion as conveyed to the County of San Joaquin by Deed recorded January 7, 1965 in Book 2905 page 179, Official Records.

TOGETHER with an easement for purposes of a drainage ditch, 10 feet and access road, 30 feet together totaling 40 feet in width, the East line of which is a portion of the East line of said Northwest 1/4. Said 40 feet right of way to extend from the Northeast corner of the above described 40 acres of the South line of Eight Mile Road.

ALSO TOGETHER with an easement for drainage purposes as conveyed to Robert B. Farnham et ux, by Deed recorded January 7, 1965 in Book 2905 page 189, Official Records.

APN: 120-020-03

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THAT CERTAIN REAL PROPERTY SITUATED IN THE STATE OF CALIFORNIA,  
COUNTY OF SAN JOAQUIN, DESCRIBED AS FOLLOWS:

PARCEL A AS SHOWN UPON PARCEL MAP FILED FOR RECORD JUNE 1, 1977 IN  
BOOK OF PARCEL MAPS, BOOK 4, PAGE 126, SAN JOAQUIN COUNTY RECORDS  
BEING A PORTION OF SECTION 2, TOWNSHIP 2 NORTH, RANGE 6 EAST, MOUNT  
DIABLO BASE AND MERIDIAN.

APN: 120-020-13



----- PARCEL "A" IN THE CITY OF STOCKTON, COUNTY OF SAN JOAQUIN, STATE OF  
CALIFORNIA, AS SHOWN ON PARCEL MAP FILED 12/20/1978 IN BOOK 7, PAGE 18,  
OF MAPS IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

APN: 120-020-14

A PIECE OR PARCEL OF LAND SITUATE, LYING AND BEING IN SECTION 1 AND SECTION 2,  
TOWNSHIP 2 NORTH, RANGE 6 EAST, MOUNT DIABLO BASE AND MERIDIAN, MORE PARTICULARLY  
DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 2, SAID CORNER BEING IN THE CENTER LINE OF A COUNTY ROAD KNOWN AS EIGHT MILE ROAD; THENCE SOUTH 30° 01' EAST, 40.08 FEET ALONG THE WEST LINE OF SAID NORTHEAST QUARTER OF SECTION 2 TO A POINT ON THE SOUTH LINE OF SAID EIGHT MILE ROAD, AND THE TRUE POINT OF BEGINNING OF THE FOLLOWING DESCRIBED PROPERTY; THENCE SOUTH 89° 30' 30" EAST, 2648.73 FEET ALONG SAID SOUTH LINE OF EIGHT MILE ROAD; THENCE DUE EAST 49.85 FEET; CONTINUING ALONG SAID SOUTH LINE OF EIGHT MILE ROAD TO THE WESTERLY LINE OF SAID LAND OF THE SOUTHERN PACIFIC COMPANY, SAID WESTERLY LINE BEING PARALLEL WITH AND DISTANT 200 FEET WESTERLY, MEASURED AT RIGHT ANGLES, FROM THE ORIGINAL LOCATED CENTER OF SOUTHERN PACIFIC COMPANY'S MAIN TRACK; THENCE SOUTH 3° 14' WEST, 1691.60 FEET ALONG LAST SAID WESTERLY LINE TO THE EXISTING THREAD OF BEAR CREEK; THENCE ALONG SAID THREAD OF BEAR CREEK THE FOLLOWING (15) COURSES: (1) NORTH 61° 22' WEST 146.89 FEET (2) NORTH 88° 58' WEST 86.78 FEET, (3) SOUTH 62° 37' WEST 297.56 FEET, (4) SOUTH 78° 16' WEST 173.60 FEET (5) NORTH 87° 38' WEST 285.17 FEET, (6) NORTH 73° 35' WEST 163.97 FEET, (7) NORTH 50° 22' WEST 187.36 FEET, (8) NORTH 67° 14' WEST 73.31 FEET, (9) SOUTH 76° 20' WEST 74.27 FEET, (10) SOUTH 33° 55' WEST 231.07 FEET (11) SOUTH 61° 29' WEST 227.52 FEET, (12) SOUTH 36° 58' WEST 328.76 FEET, (13) SOUTH 62° 28' WEST 272.09 FEET; (14) SOUTH 56° 58' WEST 201.25 FEET, AND (15) SOUTH 42° 49' WEST 239.86 FEET TO A POINT ON SAID WEST LINE OF THE NORTHEAST QUARTER OF SECTION 2 THAT IS DISTANT NORTH 3° 01' WEST THEREON 76.53 FEET FROM THE SOUTHWEST CORNER OF SAID NORTHEAST QUARTER OF SECTION 2; THENCE NORTH 3° 01' WEST 2604.27 FEET ALONG SAID WEST LINE OF THE NORTHEAST QUARTER OF SECTION 2 TO THE TRUE POINT OF BEGINNING, ACCORDING TO THE UNITED STATES GOVERNMENT TOWNSHIP PLAT.

EXCEPT THEREFROM, THAT PORTION OF SAID LAND SHOWN AS PARCEL "A" ON PARCEL MAP FILED FOR RECORD IN BOOK 4 OF PARCEL MAPS, PAGE 126, SAN JOAQUIN COUNTY RECORDS.

ALSO EXCEPT THEREFROM, THE PORTION OF SAID LAND SHOWN AS PARCEL "A" ON PARCEL MAP FILED FOR RECORD IN BOOK 7 OF PARCEL MAPS, PAGE 18, SAN JOAQUIN COUNTY RECORDS.

APN: 120-020-15

All that certain real property situate in the Unincorporated, County of San San Joaquin, State of California, being a portion of Section 2, Township 2 North, Range 6 East, Mount Diablo Base and Meridian, more particularly described as follows:

Commencing at the intersection of the east right-of-way line of West Lane (110-foot wide) with the south line of the northwest quarter of said Section 2, said point being North 89°54'49" East 110.10 feet from the west quarter corner of said Section 2; thence northerly along said east right-of-way line of West Lane, North 02°28'04" West 5.12 feet; thence continuing along said east right-of-way, North 03°02'00" West, parallel with and 110.00 feet easterly of the west line of said Section 2, 147.58 feet, to the true point of beginning of this description; thence North 89°54'49" East 1735.00 feet; thence North 00°05'11" West 503.54 feet to a point on the north line of the south 40 acres of the northwest quarter of said Section 2; thence along said north line, North 89°54'49" East 786.48 feet to a point on the east line of said northwest quarter; thence along said east line of the northwest quarter of Section 2 and the east line of the southwest quarter of said Section 2, South 02°44'59" East 727.52 feet to a point on the southeasterly boundary of that certain property described in a Quitclaim Deed dated September 27, 1983, as Instrument Number 83070793, San Joaquin County Records; thence, along said southeasterly boundary, the following twelve (12) courses:

- 1) South 64°49'17" West 303.19 feet
- 2) South 85°34'17" West 150.00 feet
- 3) North 71°40'43" West 300.00 feet
- 4) South 87°19'17" West 75.00 feet
- 5) South 40°24'17" West 300.00 feet
- 6) South 47°49'17" West 175.00 feet
- 7) South 58°04'17" West 600.00 feet
- 8) South 34°54'17" West 560.00 feet
- 9) South 29°59'17" West 600.00 feet
- 10) South 25°34'17" West 300.00 feet
- 11) South 45°04'17" West 100.00 feet
- 12) And South 58°04'17" West 22.32 feet to a point on the easterly right-of-way line of said West line;

Thence along said easterly right-of-way line of West Lane, North 02°28'04" West 2118.95 feet; thence continuing along said easterly line North 03°02'00" West 147.58 feet to the true point of beginning.

APN: 120-020-17  
 120-020-18  
 120-020-19  
 120-020-20  
 120-020-23

The land referred to is situated in the unincorporated area of the County of San Joaquin, State of California, and is described as follows:

PARCEL ONE:

All that certain real property situate in the Unincorporated Area, County of San Joaquin, State of California, being a portion of Section 2, Township 2 North, Range 6 East, Mount Diablo Base and Meridian, more particularly described as follows:

Commencing at the intersection of the East right-of-way line of West Lane (110-feet wide) with the South line of the Northwest Quarter of said Section 2, said point being North  $89^{\circ} 54' 49''$  East 110.10 feet from the West Quarter corner of said Section 2; thence Northerly, along said East right of way line of West Lane, North  $02^{\circ} 28' 04''$  West 5.12 feet; thence continuing along said East right of way, North  $03^{\circ} 02' 00''$  West, parallel with and 110.00 feet Easterly of the West line of said Section 2, 147.58 feet, to the true point of beginning of this description; thence North  $89^{\circ} 54' 49''$  East 1735.00 feet; thence North  $00^{\circ} 05' 11''$  West 503.54 feet to a point on the North line of the South 40 acres of said Section 2; thence along said North line, South  $89^{\circ} 54' 49''$  West 1760.92 feet to a point on said Easterly right of way of West Lane; thence along said Easterly right of way, South  $03^{\circ} 02' 00''$  East 504.21 feet to the true point of beginning.

APN: 120-020-22

## LEGAL DESCRIPTION

Being a portion of Sections 1 and 2, Township 2 North, Range 6 East, Mount Diablo Meridian, San Joaquin County, State of California and being more particularly described as follows:

The Westerly 150 feet of the 250 foot strip as described in Book 2489 of Official Records at Page 493, San Joaquin County Records, extending from the South line of Eight Mile Road southerly to the thread of Bear Creek as described in said Book and Page.

This legal description was prepared as a convenience and is not intended for use in the division and/or conveyance of land as governed by the Subdivision Map Act of the State of California.

APN: 122-010-02 and APN: 122-010-04